

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Requests for Review or Waiver of)	
Decisions of the)	
Universal Service Administrator by)	
)	
Rio Rancho Public Library System)	
)	
Schools and Libraries Universal Service)	CC Docket No. 02-6
Support Mechanism)	

Regarding: Billed Entity Number 16056812)
Application 1050479, FRN 2868862

Application for Review

The Loma Colorado Library System/Rio Rancho Public Library System (The Library) appeals a decision made by the Universal Service Administrator (Administrator) on regarding Funding Request 2868862 to deny reimbursement on a timely filed Billed Entity Reimbursement Form, Form 472 (BEAR) and subsequent denial of an appeal filed on May 8, 2017 by The Library. The Library also requests an extension of the invoice deadline for this Funding Request as there was a timely filed BEAR which was denied by The Administrator, and the appeal of the denial was issued after the invoice deadline.

Background:

In 2015, Rio Rancho Public Library System (Loma Colorado System) filed an application for discounts on Internet Access in FRN 2868862. Installation of the Internet Access was delayed and the Service Start Date was December 4, 2015, according to the Form 486. Services were invoiced in full to the applicant by the Service Provider, Cable One, Inc. and The Library paid the invoice. A timely BEAR was submitted to USAC for the invoiced and paid services, before the last date to invoice for FRN 2868862, which was May 30, 2017.

The BEAR was denied by The Administrator and an appeal was submitted on May 8, 2017. The appeal was denied on June 16, 2017 by The Administrator. According to the denial letter the following explanation was issued:

**During the invoice review, reimbursement can only be issued for entities that were approved during the FCC Form 471 review process. It was determined that you invoiced for products/services to an entity, City of Rio Rancho-Purchasing, Esther Bone Branch that was not*

included in the FCC Form 471. This entity has not received approval for discounts for this funding request. Consequently, your appeal is denied.

Discussion:

The Rio Rancho Public Libraries are a Community Library System associated with the city of Rio Rancho. The City of Rio Rancho is responsible for paying bills for the library system. Two libraries are associated with this system: The Esther Bone Memorial Library and the main library, Loma Colorado Main Library are the names of the two branches. The two libraries are considered to be public libraries by the IMLS and are assigned FSCS Codes of 0030-002 and 0030-004. (Please see Exhibit A)

When The Library filed the application for 2015, they filed the application as the Loma Colorado Library System, BEN 16056812 under USAC's direction. The Library called CSB and requested that the Billed Entity Name should be Rio Rancho Public Library System with two branches: Loma Colorado Library and Esther Bone Library. To this date, CSB has not made the change. Entity Number 16056812 was intended to encompass both libraries and when The Library filed the 2015 application, the Internet Access request included both libraries that are part of the Rio Rancho Public Library System (Exhibit B).

In 2015, the Form 471 changed in format from previous years and there was general confusion in the way entities were organized.

The application, Number 1050479 was funded and The Library started services and filed a Form 486. All forms submitted were approved by The Administrator, until the invoice was submitted.

In an Invoice Review, The Administrator denied the disbursement of funds to eligible entities who received eligible services.

On January 16, 2009 in DA-09-86A1¹, a letter from Dana Shaffer, Chief of the Wireline Competition Bureau to Mr. Scott Barash of USAC, the FCC provided guidance to USAC regarding services delivered to an entity that was not approved to receive the service on the Form 471. Guidance provided stated that USAC should determine if the entity should have been listed on the Form 471 and if so, allow the applicant to amend the FCC Form 471.

In SLD Inquiry #: 22-944327, dated May 26, 2017 The Library requested that the Administrator add the Esther Bone Library Branch as a recipient of service under FRN 2868862. The request and the appeal were denied by the Administrator on June 16, 2017.

The issue here is twofold and is of superficial nature. The Rio Rancho Public Libraries are eligible entities who received eligible services that they requested and that were approved by the Administrator. We humbly request that the FCC direct USAC to allow the Rio Rancho Public Libraries to correct the name of the Parent Entity to show that it is Rio Rancho Public Library System with two branches; to add the correct recipients of service to applications filed in 2015 for parent entity number: 16056812, and to allow disbursement of the approved funds to the

¹ FCC DA-09-86A1, January 16, 2009, Table C

library system, even if it is through the City of Rio Rancho by either allowing payment on the existing BEAR or by extension of the deadline to invoice so that The Library may submit a new BEAR. Although the City of Rio Rancho manages finances for the Rio Rancho Public Library System, it is a financial arrangement that many public libraries must use to operate. This should not disqualify the eligible entity from receiving discounts on eligible services.

The FCC has granted waivers² of their rules when applicants demonstrate that there was no waste fraud and abuse and that strict compliance is inconsistent with the public interest³. If the FCC believes that in this case there was a rule violation, The Library requests a waiver of the rule, and guidance on how in the future we can avoid such a violation⁴.

Respectfully submitted,



Lynette Schurdevin
Director, Rio Rancho Public Library System
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² 47 C.F.R , 1.3

³ Northeast Cellular, 897 F.2d at 1166.

⁴ DA 02-1464, Released June 21, 2002

Exhibit A

Report from the Institute of Museum and Library Services

Main Libraries, Branches, and Bookmobiles: FY 2014 Public Libraries Survey

<https://data.imls.gov/Public-Libraries-Survey/Main-Libraries-Branches-and-Bookmobiles-FY-2014-Pu/f6z9-77hs>

COUNTY							
SANDOVAL							
Showing 15 of 15 matching results							
COUNTY ▲	FSCS ID ▲	FSCS ID_SEQ ▲	LIBRARY ID ▲	LIBRARY NAME ▲	PHONE ▼	LOCATION	
SANDOVAL	NM0047	002	NM0047-002	CORRALES COMMUNITY LIBRARY	505-897-0733	(35.223041°, -106.617788°)	
SANDOVAL	NM0048	002	NM0048-002	CUBA PUBLIC LIBRARY	575-289-3100	(36.013911°, -106.962749°)	
SANDOVAL	NM0030	004	NM0030-004	ESTHER BONE MEMORIAL LIBRARY	505-891-5013	(35.243295°, -106.667044°)	
SANDOVAL	NM0101	001	NM0101-001	IRENE S. SWEETKIND PUBLIC LIBRARY	505-465-2561	(35.64678°, -106.336005°)	
SANDOVAL	NM0089	002	NM0089-002	JEMEZ PUEBLO COMMUNITY LIBRARY	575-834-9171	(35.612464°, -106.7246°)	
SANDOVAL	NM0054	002	NM0054-002	JEMEZ SPRINGS PUBLIC LIBRARY	505-829-9155	(35.82293°, -106.664134°)	
SANDOVAL	NM0030	002	NM0030-002	LOMA COLORADO MAIN LIBRARY	505-891-5013	(35.268612°, -106.661779°)	
SANDOVAL	NM0128	001	NM0128-001	PLACITAS COMMUNITY LIBRARY	505-867-3355	(35.302893°, -106.47002°)	
SANDOVAL	NM0045	004	NM0045-004	PUEBLO DE COCHITI LIBRARY	505-465-3118	(35.612421°, -106.350665°)	
SANDOVAL	NM0115	001	NM0115-001	PUEBLO OF SAN FELIPE COMMUNITY LIBRARY	505-771-9970	(35.43171°, -106.448818°)	
SANDOVAL	NM0113	001	NM0113-001	SANDIA PUEBLO LEARNING RESOURCE CENTE	505-771-5074	(35.258668°, -106.572708°)	
SANDOVAL	NM0082	002	NM0082-002	SANTA ANA PUEBLO COMMUNITY LIBRARY	505-771-6736	(35.340024°, -106.522478°)	
SANDOVAL	NM0122	001	NM0122-001	SANTO DOMINGO PUEBLO LIBRARY	505-465-0214	(35.518418°, -106.954000°)	

A Search of public library branches in Sandoval County resulted in two libraries using the NM0030 FSCS ID: Esther Bone Memorial Library and Loma Colorado Main Library are both part of the Loma Colorado Library System located in Rio Rancho, New Mexico.

Exhibit B

The Library's webpage shows two locations: <http://www.riorancholibraries.org/Index.aspx?NID=98>



From: [LYNETTE SCHURDEVIN](#)
To: jdiaz@sl.universalservice.org
Cc: [Caroline Wolf](#); [Jessica J. Olsen](#)
Subject: Re: SLD Inquiry #: 22-944327 Received
Date: Monday, July 10, 2017 5:25:50 PM
Attachments: [USAC Denial 6-16-17.pdf](#)

Greetings Jose,

On June 16, 2017, I, again, received a denial to my appeal regarding Form 471 #1050479; FRN #2868862.

I do not know what else I can do to show that the Esther Bone Library branch is a part of the Loma Colorado Library System, which I called into USAC to correctly name the Library System, Rio Rancho Public Library System, with 2 branches, Loma Colorado Library and Esther Bone Library.

See attached.

Please advise.

Thank you.

Lynette Schurdevin
Director of Library & Information Services
755 Loma Colorado Dr. NE
Rio Rancho, NM 87124
505-896-8817 phone
505-328-7074 cell
505-892-4782 fax
lschurdevin@ci.rio-rancho.nm.us

From: LYNETTE SCHURDEVIN
Sent: Friday, May 26, 2017 3:08:13 PM
To: jdiaz@sl.universalservice.org
Cc: Caroline Wolf; Jessica J. Olsen
Subject: FW: SLD Inquiry #: 22-944327 Received

Greetings Jose,

I have submitted a question that should go to appeals see case number and my submitted comments.

Please let me know if there is anything else I will need to do.

Thank you.

Lynette Schurdevin, M.L.S.
Director Library & Information Services
755 Loma Colorado Blvd NE
Rio Rancho, NM 87124
O 505-896-8817 | C 505-328-7074 | F 505-892-4782
lschurdevin@rrnm.gov

From: sldcaseattachments@sl.universalservice.org
[mailto:sldcaseattachments@sl.universalservice.org]
Sent: Friday, May 26, 2017 2:46 PM
To: LYNETTE SCHURDEVIN <LSCHURDEVIN@RRNM.GOV>
Subject: SLD Inquiry #: 22-944327 Received

Thank you for using Submit a Question. This message serves as a receipt confirmation of your submission.

The case number for your submission is 22-944327.

Please refer to this case number in subsequent contacts regarding this issue. Note that we may need to ask you for additional information to completely answer your question or fulfill your request.

You indicated in your submission that you wish to send us an attachment. To submit an attachment, please reply to this message and attach your attachment to the reply. Any additional information you wish to provide should be included in the attachment, not added to the text of this email.

If you still have questions about this issue after you review our response, please call us at 1-888-203-8100. Please do not reply to this message or to our response, as replies go to an unattended mailbox.

If you have a new question or issue, please submit another question and we will create a new case number to address it.

If you need program information, you can visit the SLD web site at www.usac.org/sl.

Thank you.

Here is the information you submitted:

*[FirstName]=Lynette [LastName]=Schurdevin [JobTitle]=Library Director
[EmailAddress]=lschurdevin@rrnm.gov [WorkPhone]=5058968817
[FaxPhone]=5058924782 [PreviousCaseNumber]=0 [FormType]=Appeal
[Owner]=APPEALS [DateSubmitted]=5/26/2017 4:37:30 PM
[AttachmentFlag]=Y[FRN]=2868862 [FormType]=471 [ApplicationNumber]=1050479
[Question2]=Please add Esther Bone Library branch as a recipient to this Form 471 under*

Block 4. Rio Rancho Library System has 2 library branches - Loma Colorado branch and Esther Bone branch. The one time only category 1 work done by Cableone (SPIN #143010484) at Esther Bone was completed on November 11, 2016 and the City of Rio Rancho submitted payment to Cableone for the one time installation fee in the amount of \$24,239.59. This one time category 2 was to update to fiber at the Esther Bone Library branch that was funded 8-24-15 / Wave # 012 Form 471 application # 1050479; FRN #2868862; an extension was requested and approved and work was completed on November 2016. Thank you for reconsidering this request for reimbursement. Lynette Schurdevin



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2015-2016

June 16, 2017

Lynette Schurdevin
Loma Colorado Library System
755 Loma Colorado Blvd NE
Rio Rancho, NM 87124

Re: Applicant Name: LOMA COLORADO LIBRARY SYSTEM
Billed Entity Number: 16056812
Form 471 Application Number: 1050479
Funding Request Number(s): 2868862
Your Correspondence Received: May 08, 2017

After review of the information and documentation provided, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2015 FCC Form 472 (BEAR) Notification Letter for the FCC Form 471 Application and funding request number(s) (FRN(s)) referenced above. This letter provides an explanation for USAC's decision. The date of this letter also begins the sixty (60) day time period for appealing this decision. If your Letter of Appeal included more than one FCC Form 471 Application Number, please note that you will receive a separate decision for each funding application.

Funding Request Number(s): 2868862
Decision on Appeal: **Denied**
Explanation:

- During the invoice review, reimbursement can only be issued for entities that were approved during the FCC Form 471 review process. It was determined that you invoiced for products/services to an entity, City of Rio Rancho-Purchasing, Esther Bone Branch that was not included in the FCC Form 471. This entity has not received approval for discounts for this funding request. Consequently, your appeal is denied.

If you wish to appeal this decision, you may file an appeal pursuant to 47 C.F.R. Part 54, Subpart I. Detailed instructions for filing appeals are available at:
<http://www.usac.org/sl/about/program-integrity/appeals.aspx>.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Lynette Schurdevin
Loma Colorado Library System
755 Loma Colorado Blvd NE
Rio Rancho, NM 87124

Billed Entity Number: 16056812
Form 471 Application Number: 1050479
Form 486 Application Number: